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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)

Amendment of the Commission's Rules)
With Regard to the 3650-3700 MHz)
Government Transfer Band)

ET Docket No. 98-237

REPLY OF HUGHES COMMUNICATIONS, INC.

Hughes Communications, Inc. ("Hughes") hereby submits its Reply to the
Comments filed in this proceeding.

In its Comments, Hughes urged the Commission to (i) reconsider the December
18, 1998 Order that has frozen the acceptance of satellite earth station applications at 3650-3700
MHz, and (ii) expand this proceeding to take into account the established need to designate
spectrum in the 3600-3700 MHz band (space-to-Earth) for TT&C functions of space stations
operating in bands other than the C band and the Ku band.

As set forth below, the Comments filed by members of the satellite industry are
uniform in endorsing the positions Hughes advocated in its Comments. In addition, the
Comments filed by other interests also indicate that the Commission's proposal might not
achieve its stated goal, and that it is appropriate to modify the Commission's proposal in a
number of respects.

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Including Hughes, thirteen entities who have interests in continued satellite access to the 3650-3700 MHz band have expressed grave concern with the Commission's proposals to limit satellite access to this band.¹ Those comments reflect a wide range of interests, including those of currently-operating US FSS providers, a US DBS provider, a foreign FSS system operator, licensees of next-generation broadband satellite systems, and the leading satellite trade association. In addition to confirming the significant need for continued satellite access to this band in order to support tracking, telemetry and command (TT&C) functions of spacecraft,² these commenters explain how many satellite customers today rely on access to this band for their communications needs.³

Given the significant satellite interests in this band, many commenters endorse the view that a freeze on earth station licensing in this downlink band is unjustified at this time.⁴ In

¹ In addition to Hughes, Comments were filed by Sprint Corporation, PanAmSat Corporation, TRW, Inc., Lockheed Martin Corporation, GE American Communications, Inc., Motorola, New Skies Satellites, N.V., Echostar Communications Corporation, GlobeCast North America Incorporated, The Satellite Industry Association, Comsat Corporation, and Loral Space & Communications Ltd.

² See, e.g., Comments of TRW, Inc. and Lockheed Martin Corporation, Comments of GE American Communications, Inc., Comments of Motorola, Comments of Echostar Communications Corporation, Comments of The Satellite Industry Association, Comments of Loral Space & Communications Ltd.

³ See, e.g., Comments of Sprint Corporation, Comments of PanAmSat Corporation, Comments of New Skies Satellites, N.V., Comments of GlobeCast North America Incorporated, Comments of The Satellite Industry Association, Comments of Comsat Corporation, Comments of Loral Space & Communications Ltd.

⁴ See, e.g., Comments of Sprint Corporation, Comments of PanAmSat Corporation, Comments of New Skies Satellites, N.V., Comments of GlobeCast North America Incorporated, Comments of The Satellite Industry Association, Comments of Comsat Corporation, Comments of Loral Space & Communications Ltd., Comments of Echostar Communications Corporation.

this regard, Hughes urges the Commission to take into account the views of Comsearch, an independent engineering firm that specializes in satellite/terrestrial spectrum sharing issues. In its Comments, Comsearch explains in great detail why the Commission's conclusions about satellite/terrestrial sharing at 3650-3700 MHz are unfounded, and why existing coordination procedures should adequately address the needs of all concerned. Moreover, even some terrestrial interests believe that satellite/terrestrial sharing is feasible in this band.⁵

Moreover, the continued imposition of this freeze is made even less sustainable by the observation of several terrestrial interests that Commission's proposal to open the 3650-3700 MHz band for FWA services may not actually achieve the Commission's stated policy goals. For example, Lucent explains that the proposed 50 MHz segment "might prove to be insufficient to realize the Commission's objectives," and urges the Commission to open the 3400-3600 MHz band for FWA.⁶ Moreover, Airspan Communications Corporation claims that the proposed allocation for FWA "would discourage rather than encourage the near term introduction of wireless technologies" because, among other reasons, 50 MHz is insufficient bandwidth to accommodate CDMA modulation schemes.⁷

For these reasons, and those expressed in Hughes's Comments, Hughes urges the Commission to address expeditiously the TT&C needs of the satellite industry in this proceeding. In particular, the Commission should expand the scope of this NPRM to designate sufficient spectrum at 3600-3700 MHz (space-to-Earth) to accommodate TT&C operations of satellite

⁵ See, e.g., Comments of Lucent Technologies, Inc. at 6-7.

⁶ *Id.* at 2.

⁷ Comments of Airspan Communications Corporation at 1.

systems operating in bands other than the C band and the Ku band, and lift the freeze on earth station licensing in the meantime. Hughes again requests that the Commission conduct this matter on an expedited basis to ensure that current Ka band GSO FSS licensees, in particular, will have access to spectrum in which reliable TT&C operations can be conducted.

Respectfully submitted,

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March 1, 1999